

**Nov 15, 2017**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AARON JOSEPH CUNNINGHAM ,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,

Defendant.

NO: 4:17-CV-05088-SMJ

**ORDER DENYING MOTION FOR  
SUMMARY JUDGMENT**

BEFORE THE COURT without oral argument is Plaintiff's Motion for Summary Judgment, ECF No. 8. Plaintiff also submitted a letter and supplemental materials. ECF Nos. 13 and 14.

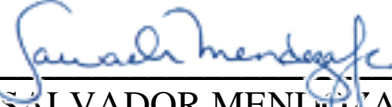
Plaintiff is proceeding *pro se* and *in forma pauperis*. Defendants have not been served in this action and are not required to file an answer to Plaintiff's complaint or to respond to his motion.

By separate Order the Court has granted Plaintiff leave to voluntarily dismiss this action. Therefore, a Motion for Summary Judgment is not warranted. Accordingly, the Motion, **ECF No. 8**, is **DENIED**.

**ORDER DENYING MOTION FOR SUMMARY JUDGMENT -- 1**

1           **IT IS SO ORDERED.** The Clerk of Court is **DIRECTED** to enter this  
2 Order and forward a copy to Plaintiff.

3           **DATED** this 15th day of November 2017.

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6                                 SALVADOR MENDOZA, JR.  
7                                 United States District Judge  
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